

REV. LLOYD E. HUMPHREYS,  
M.Th., J.D.  
3660 Harlow Road  
Eugene, Oregon 97401  
541-484-2825 Telephone  
541-484-2826 Facsimile —  
Petitioner, PRO SE

## QUESTIONS PRESENTED FOR REVIEW

Petitioner was an attorney admitted to practice in multiple jurisdictions. (Iowa 1962, Oregon 1980, Texas 1987.) When he resided in Texas He was convicted of a tax offense in 1992 for conduct back to 1983. . The Texas Bar Board of Disciplinary Action (BODA) dismissed a complaint for discipline exonerating Petitioner, but on appeal the Texas Supreme Court under a new mandatory reciprocal discipline provision disbarred him in 1994. He traveled to Oregon to practice law in 2001. He did not reside in Oregon prior thereto, although a member of the Oregon State Bar.

1. Whether the Oregon State Bar and Supreme Court Rules and Procedure for mandatory summary reciprocal discipline "special proceedings" without the same due process, equal protection and privileges and immunities granted to a resident lawyer violates the 14<sup>th</sup> Amendment to the U.S. Constitution, as to a multi-jurisdictional lawyer that traveled to Oregon?
2. Whether an attorney is entitled to the same rights and rule of law that apply to ordinary citizens as to the statute of limitations, ex post facto laws, bill of attainder, burden of proof, confrontation of "witnesses, opportunity to present evidence, hearings, trial for court proceedings concerning his right to practice his profession.
3. What due process and rules of law apply to lawyer disciplinary cases in the United States?
4. Can a state violate it's own statutes and procedural rules in imposing discipline on a lawyer?

5. What rule of law in effect applies to lawyer discipline - the time of alleged conduct, time the complaint was filed, or final court order?

### **PARTIES TO PROCEEDING**

Petitioner in this case is Lloyd E. Humphreys, A/K/A Reverend Justus Lloyd Humphreys.

The Respondent is the Oregon State Bar.

## TABLE OF CONTENTS

	Page
Questions Presented .....	i
List of Parties .....	ii
Table of Contents .....	iii
Table of Authorities .....	iv
Opinion Below .....	1
Jurisdiction .....	2
Constitutional Provisions .....	2
Statement of the Case .....	3
Reasons for Granting the Writ: .....	15
I. That the opinion and procedure of the Oregon Supreme Court in this case are contrary to the law as set out by this Honorable Court, the Law of Oregon and other State Courts.	15
II. This case would allow review and supervisory direction of the large number of states changing their rules as to Multi-Jurisdictional Lawyers and the variety of state cases departing from the usual course of judicial proceedings.	21
III. State Courts and Bar Associations in the United States are in conflict concerning Lawyers Discipline in normal contested cases, as well as, special reciprocal proceedings and should settle	

	Page
the important Federal questions that have not been resolved.	22
Conclusion .....	29

## TABLE OF AUTHORITIES

### U.S. SUPREME COURT CASES:

<i>Austin v. U.S.</i> , 113 S.Ct. 122 (1968)	24, 27
<i>Goldfarb v. Virginia State Bar</i> , 421 U.S. 773 (1995)	22
<i>Halper v. U.S.</i> , 490 US 435 (1989)	24
<i>In Re Ruffalo</i> , 390 U.S. 544 (1968)	15, 26, 27

	Page
<i>Spevak v. Klein</i> , 385 US 511 (1967)	27
<i>Thread v. US</i> , 77 S.Ct 1274 (1957)	19
OTHER FEDERAL CASES:	
<i>Corfield v Corfield</i> , 421 U.S., 773 (1995)	17
<i>Morrison v No. Carolina Board Bar Examiners</i> (E.D. N.C.) No 5.04-C.V.-92-BO (3/9/05) 21 ABA/BNA Lawyers Manual on Professional Conduct 167	19
OREGON CASES:	
<i>DeAngelo v. Schiedler</i> , 307 OR 91, 94 (1998)	27
<i>McLaughlin v. Graves</i> , 73 OR 331	20
<i>State v. Cloutier</i> , 286 OR 579 (1979)	27
CONSTITUTION & STATUTES:	
U.S. CONSTITUTION	
Art. 1 § CL 10	2, 25
Art. IV § 2	2, 10
Art. I CL 3 § 9	2, 25
Amendment V	2, 10
Amendment VI	3, 10
Amendment VII	3, 10

Amendment VIII	Page 3, 10
Amendment XIV	3, 10, 14
OREGON CONSTITUTION:	
Art. 1 § 10	3, 10, 12, 14
Art. 1 § 11	3, 10
Art. 1 § 12	27
Art. 1 § 17	3, 10
Art. 1 § 20	3, 10
Art. 1 § 21	3, 10, 12, 14
Art. 1 § 33	3, 10, 14
TEXAS:	
Texas Rule 8.5	13
Texas Criminal Pro. Ann. Art. 35. 19 (1989)	11
OTHER CASES:	
<i>In Re Briggs</i> , 502 NE 2d 879 (Ind. 1987)	28
<i>In Re Clark</i> , AZ, No5B-03-0113-D, 4/1/04, 20 Lawyers Manual on Professional Conduct 201.	24
<i>In Re Eisenberg</i> , 423 NW 2d 867 (Wis 1988)	28
<i>In Re Matter of Humphreys</i> , 880 SW2d 402 (1994)	11

	Page
<i>In Re Medrano</i> , 956 F2d 101 (5 <sup>th</sup> Cir. 1992)	7
<i>In Re VanBever</i> , 101 P2d 790 (Ariz 1940)	13
<i>In Re Weiner</i> , 530 SW 2d 222 (Mo 1975), SW 2d 959	13
<i>Kentucky Bar v. Singer</i> , 533 SW 2d 534 (194. 1976)	13
<i>Tweedle v. State</i> , 158 (Tex Crim 200) 218 SW 2d 846 (1949)	11

#### OREGON REVISED STATUTES:

ORS 9.527	3, 9
ORS 10.030	3, 11
ORS 12.070	3, 12, 18
ORS 12.130	3, 12, 18
ORS 12.140	3, 12
ORS 70.280	3, 9
ORS 183.310 to 183.550	3, 8
ORS 183.310(2)(a)	3, 8, 9
ORS 670.325(1)	3, 8, 9

OREGON RULES OF DISCIPLINARY PROCEDURE, RULES OF PROCEDURE, OPINIONS: OR DR1-103	14
--	----

	Page
BR 1.4	11
BR 2.2	3
BR 2.3b	3, 5
BR 2.3d	3, 5
BR 2.4	3, 5
BR 2.5	3, 5
BR 3.5	3, 4, 7, 8, 10, 15
BR 3.5a	3, 5
BR 3.5(f)	3, 5
BR 3.5(b)	3, 6
BR 4	7
BR 4.5	5
BR 6.1d	25
OSB Formal Opinion 1991-95; Legal Ethics	6
TREATISES:	
A.B.A. Model Rules 5.5	23
A.B.A. Model Rules 8.5	23
A.B.A. Model Rules 101:2101	26

	Page
A.B.A. Model Rules 101:211	27
A.B.A. Ethics Opinion 1279	6
A.B.A. Lawyer's Manual on Professional Conduct 101:2002	13
Anno-Discipline-Attorneys Foreign Convection 98 ALR 3d 357	22
Anno-Disbarment/suspension In Other State, 81 ALR 3d 1281	22
7 Am Jur 2d Attorneys §36	20
7 Am Jur 2d Attorneys §39, 88	22
Bible, Matthew 7:1-5	29
(Jewish Misnah) Aboth 1:6, 2:5	29
Restatement of Conflict of Laws 2d §104	13
Restatement 3d Law Governing Lawyers (ACI 200) §2p19	13

**In The**  
**Supreme Court of the United States**  
**OCTOBER TERM, 2006**

---

**LLOYD EDWIN HUMPHREYS,**  
**Petitioner,**

**V.**

**OREGON STATE BAR,**  
**Respondents.**

---

**PETITION FOR WRIT OF CERTIORARI TO THE**  
**OREGON SUPREME COURT**

---

**TO THE SUPREME COURT OF THE UNITED STATES:**

Lloyd E. Humphreys a/k/a Reverend Justus L. Humphreys, respectfully petitions for Writ of Certiorari to review the judgment of the Oregon Supreme Court in this case

**OPINIONS BELOW**

The Oregon Supreme Court entered a mandatory-reciprocal discipline opinion disbarring the Petitioner without

hearing, or evidentiary panel, and other procedures in contested cases allowed resident lawyers based on the 1994 disbarment in another state with no current misconduct.

Upon consideration by the court.

The Oregon State Bar's recommendation that the accused be disbarred from the practice of law is allowed. Justus Buck Humphreys (OSB No. 80470) is disbarred from the practice of law in Oregon, effective the date of this order. The Bar's motion to strike the supplemental affidavit is denied.

Dated this 8<sup>th</sup> Day of March 2005.

Upon consideration by the court.

The court has considered the petition for reconsideration and orders that it be denied.

Dated this 24<sup>th</sup> day of May 2005.

The Orders were entered without hearing and no findings of fact or conclusions of law were made.

### **JURISDICTION**

Original opinion below was on 3/8/05. A Petition for Review was denied on 5/24/05, by the Oregon Supreme Court, denying Petitioner's rights, privileges and immunities, in which statutes, rules and enforcement procedures validity were in question as repugnant to the United States Constitution and laws involved. The jurisdiction of this court is invoked under 28 U.S.C. 1257

### **CONSTITUTIONAL PROVISIONS AND STATUTES**

1. The United States Constitution Articles 1, § CL 10, Article IV § 2, Article 1 CL 3 § 9, pertinent provisions